

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION  
VENUE: SAN FRANCISCO

E-1109

UNITED STATES OF AMERICA,  
v.

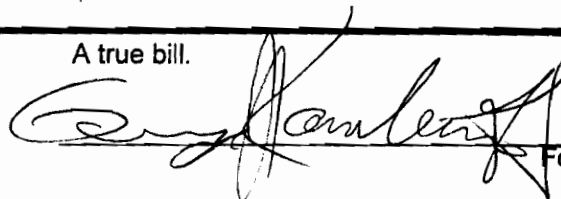
ANTONIO MUSNI

FILED  
07 JUN 19 AM 11:55  
RICHARD W. HENNING  
U.S. DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA  
MMC

DEFENDANT.

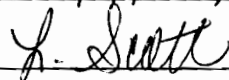
## INDICTMENT

A true bill.

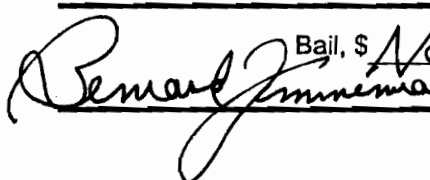
  
Foreman

Filed in open court this \_\_\_\_\_ day of

6/19/2007



Clerk

Bail, \$ No bail warrant  
  
Remand

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**

Cts 1-6: 18 USC 1344 - bank fraud; Ct. 7: 18 USC 1341 - mail fraud; (see Attachment for remaining counts)

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ FelonyName of District Court and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA07 JUN 19 AM 11:58  
DEFENDANT - U.S.RICHARD W. WIERING  
U.S. DISTRICT COURT  
Antonio Muriel

DISTRICT COURT NUMBER

**PENALTY:**

Cts. 1-6: 30 yrs prison; \$1,000,000 fine; 5 yrs sup. release; \$100 mandatory assessment; Ct. 7: 20 yrs prison; \$250,000 fine; 3 yrs sup. release; \$100 mandatory assessment; (see Attachment for remaining counts)

**CR 07 0385****PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)  
FBI☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

Jeffrey R. Finigan

**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filed**DATE OF  
ARREST**

Month/Day/Year

Or... If Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\*☒ WARRANT Bail Amount: none

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**Attachment to Penalty Sheet for U.S. v. Antonio Musni**

**OFFENSE CHARGED:**

Ct 8: 18 USC 1028A - aggravated identity theft; Ct 9: 18 USC 1029(a)(2) - unlawful use of access device

**PENALTY:**

Ct. 8: mandatory consecutive 2 yrs prison to Cts. 1-7; Ct. 9: 10 yrs prison; \$250,000 fine; 3 yrs sup. release; \$100 mandatory assessment; All Counts: restitution

SCOTT N. SCHOOLS (SC 9990)  
United States Attorney

FILED  
07 JUN 19 AM 11:58  
RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Waiting

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO MUSNI,

Defendant.

CR

No. 07

0385

MMC

VIOLATIONS: 18 U.S.C. § 1344 – Bank  
Fraud; 18 U.S.C. § 1341 – Mail Fraud; 18  
U.S.C. § 1028A(a)(1) – Aggravated Identity  
Theft; 18 U.S.C. § 1029(a)(2) – Unlawful  
Use of Unauthorized Access Devices

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. American Express Centurion Bank (“American Express”), Bank of America, N.A. (Bank of America), Chase Bank, N.A. (“Chase”), Discover Bank (“Discover”), and HSBC Bank USA (“HSBC”) were financial institutions within the meaning of 18 U.S.C. § 20, the deposits of which were insured by the Federal Deposit Insurance Corporation.

2. Defendant ANTONIO MUSNI (“MUSNI”) resided in San Francisco, California,  
INDICTMENT

1 and worked at the University of California, San Francisco ("UCSF"), in San Francisco,  
2 California.

3 THE SCHEME TO DEFRAUD

4 3. Between on or about April 1, 2006, and February 28, 2007, in the Northern  
5 District of California and elsewhere, the defendant,

6 ANTONIO MUSNI,

7 did knowingly and intentionally devise and execute a scheme and artifice (A) to defraud various  
8 financial institutions and other entities as to a material matter and (B) to obtain monies and funds  
9 owned by and under the custody and control of various financial institutions and other entities by  
10 means of materially false and fraudulent pretenses, representations, promises, and omissions.

11 4. The purpose of MUSNI's scheme to defraud was to establish credit cards and  
12 accounts in victim Stephen C.'s name and then use the credit cards and funds from the accounts  
13 for personal expenses.

14 5. It was part of MUSNI's scheme to defraud that he:

15 a. obtained Stephen C.'s personal information, such as his social security  
16 number, his date of birth, and his former places of employment by accessing Stephen C.'s  
17 records at UCSF;

18 b. used Stephen C.'s personal information to apply for and fraudulently  
19 obtain credit cards in Stephen C.'s name from American Express, Bank of America, Chase, and  
20 Discover;

21 c. used Stephen C.'s personal information to apply for and fraudulently  
22 obtain a credit card in Stephen C.'s name from HSBC Card Services; and

23 d. cashed checks issued by HSBC Bank USA in Stephen C.'s name.

24 COUNTS ONE THROUGH SIX: (18 U.S.C. § 1344 – Bank Fraud)

25 6. Paragraphs 1 through 4 and 5a, b, and d of this Indictment are realleged as though  
26 fully set forth herein.

27 7. On or about the following dates, in the Northern District of California and  
28 elsewhere, the defendant,

ANTONIO MUSNI,

did knowingly and intentionally execute a scheme and artifice (A) to defraud the financial institutions set forth below as to a material matter and (B) obtain money, funds, and credits owned by, or under the custody or control of, the following financial institutions by means of materially false and fraudulent pretenses, representations, promises, and omissions.

Count	Financial Institutions and Accounts Fraudulently Opened	Approximate Date
ONE	American Express Acct # 37257337*****	9/23/2006  (by submitting a fraudulent application in the name of Stephen C.)
TWO	Bank of America Acct # 488860314*****	4/11/2006  (by submitting a fraudulent application in the name of Stephen C.)
THREE	Chase MasterCard Acct # 546604200*****	8/22/2006  (by submitting a fraudulent application in the name of Stephen C.)
FOUR	Discover Credit Card Acct # 601100022*****	7/10/2006  (by submitting a fraudulent application in the name of Stephen C.)



Count	Financial Institutions and Accounts Fraudulently Opened	Approximate Date
FIVE	HSBC Loan Acct # 2118181*****	1/10/2007  (by cashing a check issued in the name of Stephen C.)
SIX	HSBC Loan Acct # 2129020*****	1/26/2007  (by cashing a check issued in the name of Stephen C.)

All in violation of Title 18, United States Code, Section 1344.

**COUNT SEVEN:** (18 U.S.C. § 1341 – Mail Fraud)

8. Paragraphs 1 through 4 and 5a and c of this Indictment are realleged as though fully set forth herein.

9. On or about December 6, 2006, in the Northern District of California and elsewhere, for purpose of executing the scheme and artifice to defraud, the defendant,

ANTONIO MUSNI,

did knowingly cause to be delivered by the Postal Service an HSBC credit card in the name of Stephen C., in violation of Title 18, United States Code, Section 1341.

**COUNT EIGHT:** (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

10. Paragraphs 1 through 4 and 5a and b of this Indictment are realleged as though fully set forth herein.

11. On or about September 10, 2006, in the Northern District of California, the defendant,

ANTONIO MUSNI,

during and in relation to a violation of 18 U.S.C. § 1344 as set forth in count 2, did knowingly

possess and use, without lawful authority, a means of identification of another person, to wit: a Bank of America Visa credit card Acct # 488860314\*\*\*\*\* in the name of Stephen C., in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT NINE: (18 U.S.C. § 1029(a)(2) – Unlawful Use of Unauthorized Access Devices)

12. Paragraphs 1 through 5a and b of this Indictment are realleged as though fully set forth herein.

13. Between on or about April 1, 2006, and February 28, 2007, in the Northern District of California and elsewhere, the defendant,

ANTONIO MUSNI,

did knowingly and with intent to defraud use one or more unauthorized access devices during any one-year period and by such conduct did obtain items of value aggregating \$1,000 or more, and in so doing affected interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(2).

DATED:

6/19/07

A TRUE BILL.

  
FOREPERSON

SCOTT N. SCHOOLS  
United States Attorney

  
MARK L. KROTOSKI  
Chief, Criminal Division

(Approved as to form:

  
AUSA FINNIGAN